

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE R. CHANDLER, JR.,

Petitioner,

No. C 09-3695 PJH (PR)

vs.

ORDER OF DISMISSAL

C. NOLL,

Respondent.

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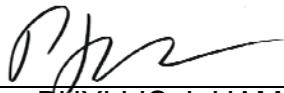
This is a habeas case brought pro se by a state prisoner. Petitioner has, however, had a previous case attacking the same judgment. See *Chandler v. Director of Corrections*, 05-2735 PJH (PR). That case was dismissed on statute of limitations grounds and a certificate of appealability was denied both by this court and the Ninth Circuit.

Because petitioner had a previous case directed to the same judgment, this petition is second or successive. A habeas petitioner may not file a second or successive petition unless he or she first obtains from the appropriate United States Court of Appeals an order authorizing the filing. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition is accordingly **DISMISSED** without prejudice to filing a new petition if petitioner obtains the necessary order.

The clerk shall close the file.

IT IS SO ORDERED.

Dated: October 22, 2009.



PHYLLIS J. HAMILTON
United States District Judge